



General Assembly

February Session, 2004

Substitute Bill No. 5178

* _____ HB05178GAEJUD031204 _____ *

**AN ACT AUTHORIZING THE RECALL OF MUNICIPAL CHIEF
ELECTED OFFICIALS HAVING A TERM OF OFFICE OF FOUR YEARS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2004*) (a) A chief elected official of
2 a municipality who is elected to a term of office of four years may be
3 recalled by the electors of the municipality for misfeasance,
4 malfeasance or nonfeasance in the performance of the duties of said
5 office, in accordance with the provisions of this section.

6 (b) The Secretary of the State shall prescribe the form of recall
7 petitions and such petitions shall be available from the town clerk of
8 any municipality whose chief elected official is elected to a term of
9 office of four years. The recall petition form shall include a space for
10 the name of the official whose recall is sought, a statement that the
11 purpose of the petition is to seek a referendum on the recall of said
12 official, a space for the grounds for such recall, a statement of
13 instructions to persons circulating the petition, lines for the signatures,
14 street addresses and dates of births of persons signing the petition,
15 spaces for the time and date on which the completed petition is filed
16 with the town clerk and spaces for the information required under
17 subsection (d) of this section concerning the circulation of the petition.

18 (c) A resident of any such municipality who is an elector may
19 initiate the recall of the chief elected official of the municipality by

20 filing an affidavit with the town clerk of the municipality stating the
21 name of said official and the grounds upon which the recall of such
22 official is sought and requesting recall petition forms. Upon such filing,
23 the town clerk shall issue recall petition forms to said resident. The
24 resident shall fill in the name of said official and the grounds for recall
25 on the recall petition forms. Any resident of the municipality who is an
26 elector may sign said petition.

27 (d) Each circulator of a recall petition page shall be a resident of said
28 municipality and an elector. Each separate page of such petition shall
29 contain a statement as to the authenticity of the signatures on the
30 petition and the number of such signatures, and shall be signed under
31 the penalties of false statement by the circulator of the petition page,
32 setting forth such circulator's address and attesting that each person
33 whose name appears on such sheet signed the same in person in the
34 presence of such circulator, that the circulator either knows each such
35 signer or that the signer satisfactorily identified the signer to the
36 circulator. Each separate sheet of such petition shall also be
37 acknowledged before an appropriate person as provided in section 1-
38 29 of the general statutes, as amended.

39 (e) Any person who signs a name other than the person's own to a
40 recall petition or who signs a name other than the person's own as
41 circulator of said petition shall be fined not more than one hundred
42 dollars or imprisoned not more than one year, or both.

43 (f) No petition for the recall of an official shall be effective unless
44 filed with the town clerk not later than four o'clock p.m. on the twenty-
45 eighth calendar day after the town clerk issues petition forms for such
46 recall under subsection (c) of this section. Upon the filing of a recall
47 petition, the town clerk shall sign and give to the person so submitting
48 a page or pages of such petition a receipt indicating the number of
49 such pages filed and the date and time when such pages were filed.
50 The town clerk shall forthwith transmit the petition to the registrars of
51 voters of the municipality who shall forthwith certify on each such
52 petition page the number of signers on the page who are electors in the

53 municipality. In the checking of signatures on recall petition pages, the
54 registrars shall reject any name if such name does not appear on the
55 last-completed active registry list in the municipality. The registrars
56 shall not reject any name for which the street address on the petition is
57 different from the street address on the registry list, if the person's date
58 of birth, as shown on the petition page, is the same as the date of birth
59 on the person's registration record. Each petition page shall contain a
60 statement signed by a registrar of voters of said municipality attesting
61 that the circulator is a resident of said municipality and an elector.
62 Unless such a statement by a registrar appears on each page so
63 submitted, the registrars shall reject such page. Any page of a petition
64 that does not contain a statement by the circulator as to the
65 authenticity of the signatures on the page, or upon which the
66 statement of the circulator is incomplete in any respect shall be rejected
67 by the registrars. The registrars shall also reject any page of a petition
68 they determine to have been circulated in violation of any other
69 provision of this section. The registrars shall complete their verification
70 of petition signatures and return the petition with their certifications to
71 the town clerk not later than seven calendar days after the petition is
72 filed with the town clerk.

73 (g) If, upon receiving a recall petition from the registrars of voters
74 under subsection (f) of this section, the town clerk determines that the
75 number of valid signatures on the petition is at least ten per cent of the
76 total number of electors whose names appear on the active registry list
77 of said municipality, (1) the town clerk shall forthwith certify the
78 petition and submit said certification to the legislative body of the
79 municipality, and (2) said legislative body shall, not later than seven
80 days after receipt of said certification, order a referendum to be held
81 on the recall of the chief elected official of the municipality not later
82 than thirty days after receipt of said certification.

83 (h) A recall referendum shall be conducted in accordance with the
84 provisions of chapter 152 of the general statutes and this section. The
85 form of the question to be used on the voting machine ballot labels and
86 absentee ballots at said referendum shall be "Shall (name of the

87 official and office) be recalled?". If, upon the official determination of
88 the results of such vote, a majority of all the votes cast are in approval
89 of the question, the chief elected official's office shall be vacant and
90 shall be filled in accordance with the applicable provision of state or
91 municipal law concerning the filling of vacancies in said office.

92 (i) The provisions of this section shall not apply to any municipality
93 for which state or municipal authority exists on the effective date of
94 this section for the recall of the chief elected official of the municipality.

95 Sec. 2. Subdivision (2) of subsection (a) of section 9-7b of the general
96 statutes, as amended by section 2 of public act 03-223 and section 53 of
97 public act 03-241, is repealed and the following is substituted in lieu
98 thereof (*Effective July 1, 2004*):

99 (2) To levy a civil penalty not to exceed (A) two thousand dollars
100 per offense against any person the commission finds to be in violation
101 of any provision of chapter 145, part V of chapter 146, part I of chapter
102 147, chapter 148, section 9-12, as amended, subsection (a) of section 9-
103 17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, as
104 amended, 9-23h, as amended, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32,
105 9-35, as amended, 9-35b, 9-35c, 9-40a, 9-42, as amended, 9-43, 9-50a, 9-
106 56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-409, as amended, 9-410, as
107 amended, 9-412, as amended, 9-436, as amended, 9-436a, 9-453e to 9-
108 453h, inclusive, as amended, 9-453k, as amended, 9-453o, as amended,
109 [or sections] 9-404a to 9-404c, inclusive, or section 1 of this act, or (B)
110 two thousand dollars per offense or twice the amount of any improper
111 payment or contribution, whichever is greater, against any person the
112 commission finds to be in violation of any provision of chapter 150.
113 The commission may levy a civil penalty against any person under
114 subparagraph (A) or (B) of this subdivision only after giving the
115 person an opportunity to be heard at a hearing conducted in
116 accordance with sections 4-176e to 4-184, inclusive. In the case of
117 failure to pay any such penalty levied pursuant to this subsection
118 within thirty days of written notice sent by certified or registered mail
119 to such person, the superior court for the judicial district of Hartford,

120 on application of the commission, may issue an order requiring such
121 person to pay the penalty imposed and such court costs, state
122 marshal's fees and attorney's fees incurred by the commission as the
123 court may determine. Any civil penalties paid, collected or recovered
124 under subparagraph (B) of this subdivision for a violation of any
125 provision of chapter 150 applying to the office of the Treasurer shall be
126 deposited on a pro rata basis in any trust funds, as defined in section 3-
127 13c, affected by such violation.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>

GAE *Joint Favorable Subst. C/R*

JUD